

**REMARKS**

This application is amended in a manner to place it in condition for allowance.

The amendment includes substantive changes to the claims and a declaration by one of the named inventors, which are expected to require further consideration and/or search. Accordingly, this amendment is being filed with a Request for Continued Examination (RCE).

**Status of the Claims**

Claims 1 and 6 have been amended

Accordingly, claims 2 and 5 have been cancelled.

Claims 3, 4 and 13 have been cancelled.

Claims 1, 6, 7 and 14-18 remain in this application.

**Information Disclosure Statement**

Applicant acknowledges with appreciation the consideration of Cariati et al. was cited in the International Search Report, and finally cited in the IDS filed June 30, 2009.

The Official Action further required a new IDS for the other documents provided June 30, 2009. However, these documents were already cited in the PTO-1449 of the IDS filed

July 27, 2006. Thus, it is respectfully requested that the Examiner now consider this these documents using the form PTO-1449, which cited these documents.

The Official Action also required an English translation of the non-English documents. However, the IDS filed July 27, 2006 included a search report from the International Search Authority. As stated in MPEP 609.04(a) III, second paragraph:

"Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report." (Emphasis added.)

Therefore, consideration of all of these documents is respectfully requested.

#### **Claim Rejections-35 USC §112**

Claims 1, 3-4, 6 and 13-18 were rejected under 35 U.S.C. §112, first paragraph, for not complying with the enablement requirement. This rejection is respectfully traversed for the reasons below.

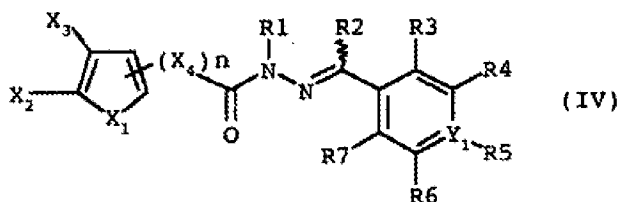
The claims 1 and 6 have been amended in a manner to focus the claimed subject matter enabled with the originally filed specification. Claims 3, 4 and 13 have been cancelled.

Therefore, the present claims comply with the enablement requirement and withdrawal of the rejection is respectfully requested.

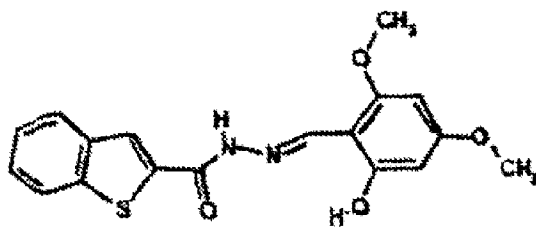
**Claim Rejections-35 USC §103**

Claims 1, 3, 4, 6, 7 and 13-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over CAI et al. U.S. 2003/0105140 A1 ("CAI"). This rejection is respectfully traversed for the reasons below.

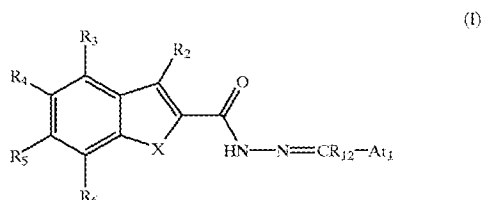
Claim 1 is directed to compounds of general formula (IV):



Such compounds include the elected species CGP02-01, or N'-[(1E)-(2-hydroxy-4,6-dimethoxyphenyl)methylene]-1-benzothiophene-2-carbohydrazide, as recited in claim 6:



The Official Action maintained that the elected compound of the present invention is within the scope of the generic formula (I) of CAI, as shown below:



The position of the Official Action was based on the conclusion that it is not necessary to consider the therapeutical activity of the compounds in when considering the obviousness of the claims.

However, as CAI fails to explicitly teach the claimed compounds, the function of therapeutical activity of compounds should be considered.

As disclosed in paragraphs [0032] and [0152] to [0154], compounds disclosed by CAI are used for treating cancer diseases.

On the contrary, compounds according to the claimed invention are useful for treating and/or preventing of diseases associated with lipid metabolism disorders, more precisely for treating and/or preventing cardiovascular diseases such as atherosclerosis, arterial restenosis, obesity, type II diabetes mellitus, cerebral ischaemia, epatic steatosis, hypercholesterolaemia, hypertriglyceridaemia, dyslipoproteinaemia, hylomicronaemia, lipodystrophy and

hyperglycaemia and atherosclerosis. Indeed, the specification demonstrates that the elected compound CGP 02-01 was effective in, for example, blocking accumulation of intracellular lipids, e.g., in table 1 of page 29, and the reduction of cholesterol in Example 5.

Moreover, as evidenced by the Declaration under 37 CFR 1.132 by Gerard MARGUERIE, one of the named inventors, there are compounds of the generic formula I of CAI without the claimed therapeutic activity. See, e.g., the paragraph overlapping pages 2 and 3 of the declaration. There are other compounds, such as described on page 3 of the declaration, which are similar to the disclosed invention at pages 38 and 39, but fail to provide the claimed properties.

Accordingly, it is respectfully submitted that compounds disclosed in CAI have a totally different therapeutic activity compared to compounds according to the present invention.

Consequently, one of ordinary skill in the art, reading CAI, would not have been led to the invention in an obvious manner.

Thus, the claimed compounds provide unexpected results with respect to the therapeutic activity, as they are capable of treating and/or preventing of diseases associated with lipid metabolism disorders.

Therefore, the claims are not rendered obvious, and withdrawal of the rejection is respectfully requested.

**Conclusion**

In view of the amendment to the claims and the foregoing remarks, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our credit card which is being paid online simultaneously herewith for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following item(s):

- ☒ - a 37 CFR 1.132 Declaration of Gerard MARGUERIE.